

Senate File 541

S-3163

1 Amend Senate File 541 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 169.3, subsection 3, Code 2023, is
5 amended to read as follows:

6 3. a. "Animal" means any nonhuman primate, dog, cat,
7 rabbit, rodent, fish, reptile, and livestock as defined in
8 section 717.1, or other vertebrate or nonvertebrate life forms
9 form, living or dead, except domestic poultry.

10 b. "Livestock" includes a group of livestock such as a herd
11 or flock.

12 Sec. 2. Section 169.3, Code 2023, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 3A. a. "Animal massage" means a method
15 of treating the body of an animal for relaxation or hygienic
16 purposes through techniques, with or without the aid of a
17 massage device, that include rubbing, stroking, or kneading the
18 body of the animal.

19 b. "Animal massage" does not include acupuncture,
20 chiropractic care, diagnosis, diagnostic treatment,
21 prescription, or surgery.

22 Sec. 3. Section 169.3, subsection 10, Code 2023, is amended
23 to read as follows:

24 10. a. "Practice of veterinary medicine" means any of the
25 following:

26 ~~a.~~ (1) To diagnose, treat, correct, change, relieve or
27 prevent, for a fee, any animal disease, deformity, defect,
28 injury or other physical or mental conditions or cosmetic
29 surgery; including the prescription or administration of any
30 drug, medicine, biologic, apparatus, application, anesthetic,
31 or other therapeutic or diagnostic substance or technique, for
32 a fee; or to evaluate or correct sterility or infertility, for
33 a fee; or to render, advise or recommend with regard to any of
34 the above for a fee.

35 ~~b.~~ (2) To represent, directly or indirectly, publicly or

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1 privately, an ability or willingness to do an act described in
2 ~~paragraph "a"~~ subparagraph (1).

3 ~~e.~~ (3) To use any title, words, abbreviation, or letters in
4 a manner or under circumstances which induce the belief that
5 the person using them is qualified to do any act described in
6 ~~paragraph "a"~~ subparagraph (1).

7 (4) The performance or use of complementary, alternative,
8 or integrative therapies including veterinary acupuncture,
9 acupuncture, acupressure, manipulative therapy based on
10 techniques practiced in osteopathy and chiropractic medicine,
11 or other similar therapies as specified by rule adopted by the
12 board.

13 b. "Practice of veterinary medicine" does not include
14 providing authorized veterinary medical services to an animal
15 patient by veterinary auxiliary personnel when performing
16 a delegated task under the supervision of a supervising
17 veterinarian as provided in subchapter II.

18 Sec. 4. Section 169.3, subsection 12, Code 2023, is amended
19 by striking the subsection.

20 Sec. 5. Section 169.4, unnumbered paragraph 1, Code 2023,
21 is amended to read as follows:

22 A person ~~may~~ shall not practice veterinary medicine in the
23 state who is not a licensed veterinarian or the holder of a
24 valid temporary permit issued by the board. **This chapter** shall
25 not be construed to prohibit any of the following:

26 Sec. 6. Section 169.4, subsections 2, 9, and 10, Code 2023,
27 are amended to read as follows:

28 2. A person who is a veterinary student in an accredited
29 or approved college of veterinary medicine from performing
30 duties or actions assigned by ~~instructors~~ an instructor of the
31 college, or ~~working~~ acting under the ~~direct~~ supervision of a
32 ~~licensed~~ supervising veterinarian as provided in subchapter II.

33 The board shall issue to ~~any~~ a veterinary medicine student who
34 attends an accredited veterinary medicine college or school
35 and who has been certified as being competent by an instructor

1 of such college or school to perform veterinary duties under
2 the direction of an instructor of veterinary medicine or under
3 the ~~direct~~ supervision of a ~~licensed~~ supervising veterinarian,
4 a certificate authorizing the veterinary medicine student to
5 perform such functions.

6 9. Any veterinary assistant ~~employed by a licensed~~
7 ~~veterinarian from performing duties other than diagnosis,~~
8 ~~prescription, or surgery~~ auxiliary personnel when performing
9 delegated tasks under the ~~direct~~ supervision of such a
10 supervising veterinarian ~~which assistant has been issued a~~
11 ~~certificate by the board subject to~~ section 169.20 as provided
12 in subchapter II.

13 10. A graduate of a foreign college of veterinary medicine,
14 who has or is in the process of obtaining an ECFVG certificate
15 ~~for, when performing duties or actions~~ delegated tasks
16 under the ~~direction or~~ supervision of a ~~licensed~~ supervising
17 veterinarian as provided in subchapter II.

18 Sec. 7. Section 169.4, Code 2023, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 16. A person performing animal massage.

21 Sec. 8. Section 169.5, subsection 7, paragraph i, Code 2023,
22 is amended to read as follows:

23 *i.* Adopt, amend, or repeal rules relating to the
24 qualifications, standards of conduct for, the supervision
25 of tasks delegated to veterinary auxiliary personnel by a
26 licensed veterinarian, and disciplinary action of veterinary
27 auxiliary personnel for whom the board has issued a certificate
28 or permit. The rules may provide for the testing of, and
29 ~~revocation or suspension of certificates issued to veterinary~~
30 ~~assistants~~ individuals who apply to be issued a certificate of
31 registration as a veterinary technician, apply to be issued
32 a renewal of a certificate of registration, or apply to be
33 reissued a certificate of registration; and the suspension
34 or revocation of a certificate of registration. However, a
35 ~~certificate shall not be suspended or revoked by less than a~~

1 ~~two-thirds vote of the entire board in a proceeding conducted~~
2 ~~in compliance with [section 17A.12](#).~~

3 Sec. 9. Section 169.5, subsection 7, Code 2023, is amended
4 by adding the following new paragraph:

5 NEW PARAGRAPH. *k.* Adopt, amend, or repeal rules requiring
6 a veterinarian to have a valid veterinarian-client-patient
7 relationship, except in the case of an emergency, before
8 practicing veterinary medicine on an animal, including by
9 acting as a supervising veterinarian.

10 Sec. 10. NEW SECTION. 169.31 **Subchapter definitions.**

11 As used in this subchapter:

12 1. *"Accredited or approved veterinary technology program"*
13 means a program in veterinary technology that is accredited by
14 the American veterinary medical association and an accrediting
15 agency that has been approved by the United States department
16 of education or its successor.

17 2. *"Direct supervision"* means supervision by a supervising
18 veterinarian that occurs when the supervising veterinarian is
19 readily available and on the premises where an animal patient
20 is being provided authorized veterinary medical services by
21 veterinary auxiliary personnel.

22 3. *"Immediate supervision"* means supervision by a
23 supervising veterinarian that occurs when the supervising
24 veterinarian is in the immediate area, and within audible and
25 visual range, of an animal patient and veterinary auxiliary
26 personnel providing the animal patient with authorized
27 veterinary medical services.

28 4. *"Indirect supervision"* means supervision by a supervising
29 veterinarian, other than direct supervision or immediate
30 supervision, that occurs when all of the following apply:

31 *a.* The supervising veterinarian has given written protocols
32 or real-time oral instructions to veterinary auxiliary
33 personnel for the treatment of an animal patient for which a
34 veterinarian-client-patient relationship exists.

35 *b.* The supervising veterinarian is readily available by

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1 telephone or other means of immediate communication with the
2 veterinary auxiliary personnel providing the animal patient
3 with authorized veterinary medical services.

4 5. "*Registered veterinary technician*" means an individual
5 who has graduated from an accredited or approved veterinary
6 technology program and who has been issued a valid certificate
7 of registration by the board pursuant to section 169.34.

8 6. "*Supervising veterinarian*" means a licensed veterinarian
9 who assumes responsibility for supervising veterinary auxiliary
10 personnel providing authorized veterinary medical services
11 to an animal patient under immediate supervision, direct
12 supervision, or indirect supervision.

13 7. a. "*Veterinary assistant*" means an individual employed
14 to work in veterinary practice who performs tasks under the
15 supervision of a supervising veterinarian.

16 b. "*Veterinary assistant*" does not include a person who is a
17 licensed veterinarian or a registered veterinary technician,
18 veterinary student, veterinary technician student, or graduate
19 from a foreign college of veterinary medicine who is not a
20 licensed veterinarian or the holder of a valid temporary permit
21 issued by the board.

22 8. "*Veterinary auxiliary personnel*" means a veterinary
23 assistant, registered veterinary technician, veterinary
24 student, veterinary technician student, or graduate of a
25 foreign college of veterinary medicine who is not a licensed
26 veterinarian or the holder of a valid temporary permit issued
27 by the board.

28 9. "*Veterinary student*" means an individual currently
29 admitted to and in good academic standing with an accredited or
30 approved college of veterinary medicine.

31 10. "*Veterinary technician student*" means an individual
32 currently admitted to and in good academic standing with an
33 accredited or approved veterinary technology program.

34 Sec. 11. NEW SECTION. 169.32 **Supervising veterinarian.**

35 1. A licensed veterinarian may provide veterinary medical

1 services to an animal patient by acting as a supervising
2 veterinarian as provided in this subchapter and rules adopted
3 by the board.

4 2. A supervising veterinarian shall determine the
5 supervision required for tasks delegated to veterinary
6 auxiliary personnel within the limits provided in this
7 subchapter and rules adopted by the board. The decision
8 must be based on factors such as the veterinary auxiliary
9 personnel's training, experience, and skill. The supervising
10 veterinarian is responsible for providing the required
11 supervision and delegating tasks to veterinary auxiliary
12 personnel. The supervising veterinarian shall not delegate
13 veterinary medical services of diagnosis, prescription, or
14 surgery to any veterinary assistant, veterinary technician
15 student, or registered veterinary technician.

16 3. The board shall adopt rules providing for when a licensed
17 veterinarian must exercise immediate supervision, direct
18 supervision, or indirect supervision for each category of
19 auxiliary veterinary personnel providing authorized veterinary
20 medical services to an animal patient. Nothing in this
21 subchapter or the rules adopted by the board shall prohibit the
22 supervising veterinarian from providing more supervision than
23 required when the veterinary auxiliary personnel's training,
24 experience, and skill indicate more supervision is necessary.

25 Sec. 12. NEW SECTION. 169.33 **Veterinary auxiliary personnel**
26 **— employment.**

27 1. *a.* A licensed veterinarian may employ any number of
28 veterinary auxiliary personnel who may be delegated tasks
29 associated with providing authorized veterinary medical
30 services to an animal patient within the limits provided in
31 this subchapter and rules adopted by the board pursuant to this
32 subchapter.

33 *b.* A person may employ any number of veterinary auxiliary
34 personnel to provide authorized veterinary medical services
35 to animals that are owned or cared for by the person if a

1 supervising veterinarian who practices at the same place of
2 business as the veterinary auxiliary personnel supervises the
3 veterinary auxiliary personnel within the limits provided in
4 this subchapter and rules adopted by the board pursuant to this
5 subchapter.

6 2. Veterinary auxiliary personnel shall only receive
7 compensation for authorized veterinary medical services from
8 their employer as provided in this section except for those
9 services provided in accordance with section 169.4.

10 Sec. 13. NEW SECTION. 169.34 Registered veterinary
11 technician — certificate of registration.

12 1. The board shall issue a certificate of registration to an
13 individual if all of the following apply:

14 a. The individual has graduated from an accredited or
15 approved veterinary technology program.

16 b. The individual has received a passing score on a national
17 veterinary technician examination approved by the board.

18 c. The individual has submitted a complete application to
19 the board that is approved by the board.

20 (1) The application must be in a form prescribed by the
21 board.

22 (2) To be complete, the application must include all of the
23 following:

24 (a) Information and material required by the board.

25 (b) A registration fee in an amount established by the
26 board.

27 d. The individual meets other criteria or qualifications
28 as specified by rule adopted by the board, including but not
29 limited to a state veterinary technician examination.

30 e. The board may grant a waiver from any qualification for a
31 certificate of registration to an individual who was in active
32 duty military service or the individual's spouse in accordance
33 with section 272C.4, or to an individual who was previously
34 a veterinary medical student and who substantially meets the
35 qualifications to receive a certificate of registration.

1 2. The board may issue an endorsed certificate of
2 registration to an individual if the individual holds a valid
3 registration, certificate, license, or other authorization
4 issued by a jurisdiction recognized by the board, and all of
5 the following apply:

6 *a.* The individual meets the educational, experience, or
7 testing requirements as specified by the board in rule.

8 *b.* The individual is not subject to an investigation or
9 disciplinary action which may result or has resulted in the
10 suspension or the revocation of a registration, certificate,
11 license, or other authorization issued by a jurisdiction
12 recognized by the board.

13 *c.* The individual has submitted a complete application to
14 the board that is approved by the board.

15 (1) The application must be in a form prescribed by the
16 board.

17 (2) To be complete, the application must include all of the
18 following:

19 (i) Information and material required by the board.

20 (ii) A registration fee in an amount established by the
21 board.

22 *d.* The individual meets other criteria, standard, or
23 qualification as specified by rule adopted by the board.

24 *e.* The board may grant a waiver from any qualification for
25 an endorsed certificate of registration to an individual who
26 was in active duty military service or the individual's spouse
27 in accordance with section 272C.4, or to an individual who was
28 previously a veterinary medical student who substantially meets
29 the qualifications to receive a certificate of registration.

30 3. *a.* All certificates of registration shall be issued
31 and expire according to a registration period based on a
32 triennium cycle beginning and ending on dates established by
33 the board. However, a new certificate of registration issued
34 during a registration period shall be for the balance of that
35 registration period.

1 *b.* To renew a certificate of registration, a registered
2 veterinary technician must apply to the board for approval.
3 The application must show that the registered veterinary
4 technician has completed all continuing education credit hours
5 during the preceding registration period as required by the
6 board. The board shall determine the number of continuing
7 education credit hours required and the type of continuing
8 hours awarded credit. The certificate of registration expires
9 after the individual has been provided a notice and opportunity
10 for a hearing by the board under chapter 17A. An individual
11 whose certificate of registration has expired is no longer
12 credentialed as provided in section 169.35.

13 *c.* The board shall reissue a certificate of registration to
14 an individual whose certificate of registration has expired.
15 To be reissued a certificate of registration, the individual
16 must apply to the board for approval. The application
17 must show that the individual has completed the same number
18 of continuing education credit hours required to renew a
19 certificate of registration during the prior three years.

20 *d.* A certificate of registration for a registered veterinary
21 technician that was issued prior to July 1, 2024, remains valid
22 and does not expire.

23 *e.* The board shall adopt all rules required to administer
24 and enforce this subsection.

25 4. A registered veterinary technician is subject to
26 investigation and disciplinary action taken by the board to
27 suspend or revoke a certificate or registration pursuant
28 to section 272C.3. However, the board shall utilize the
29 procedures set forth in section 169.14. A certificate of
30 registration shall not be suspended or revoked by less than a
31 two-thirds vote of the entire board in a proceeding conducted
32 in compliance with section 17A.12.

33 Sec. 14. NEW SECTION. **169.35 Registered veterinary**
34 **technician — credentials.**

35 1. A person shall not use any recognized title,

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1 abbreviation, or sign to indicate that such person is a
2 registered veterinary technician unless that person is an
3 individual who has been issued a certificate of registration
4 pursuant to section 169.34.

5 2. A person who violates subsection 1 commits a simple
6 misdemeanor.

7 Sec. 15. NEW SECTION. **169.36 Registered veterinary**
8 **technician — scope of authority.**

9 1. A registered veterinary technician shall only perform
10 tasks associated with providing authorized veterinary medical
11 services to an animal patient under the supervision of a
12 supervising veterinarian according to this section and rules
13 adopted by the board under this subchapter.

14 2. A supervising veterinarian shall decide the specific
15 tasks delegated to a registered veterinary technician and
16 provide the required supervision pursuant to section 169.32 and
17 the rules adopted by the board.

18 3. A veterinary technician shall not do any of the
19 following:

20 a. Perform equine floating teeth services. However, a
21 registered veterinary technician may perform such services
22 after submitting to the board all of the following:

23 (1) Proof of current certification from the international
24 association of equine dentistry or other professional equine
25 dentistry association as determined by the board.

26 (2) A written statement signed by a supervising
27 veterinarian experienced in large animal medicine that the
28 applicant will be under the direct supervision or indirect
29 supervision of the supervising veterinarian when treating
30 floating equine teeth.

31 b. Gingival resection.

32 Sec. 16. NEW SECTION. **169.37 Veterinary assistant — scope**
33 **of authority.**

34 1. A veterinary assistant shall only perform tasks
35 associated with providing authorized veterinary medical

1 services to an animal patient under the direct supervision of
2 a supervising veterinarian according to rules adopted by the
3 board under this subchapter.

4 2. A supervising veterinarian shall decide the specific
5 tasks delegated to a veterinary assistant and provide the
6 required supervision pursuant to section 169.32 and rules
7 adopted by the board.

8 Sec. 17. NEW SECTION. **169.38 Veterinary technician student**
9 **— scope of authority.**

10 1. A veterinary technician student shall only perform
11 tasks associated with providing authorized veterinary medical
12 services to an animal patient under the supervision of a
13 supervising veterinarian according to rules adopted by the
14 board under this subchapter.

15 2. A supervising veterinarian shall decide the specific
16 tasks delegated to a veterinary technician student and provide
17 the required supervision pursuant to section 169.32 and rules
18 adopted by the board.

19 Sec. 18. NEW SECTION. **169.39 Veterinary student — scope**
20 **of authority.**

21 1. A veterinary student shall only perform tasks associated
22 with providing authorized veterinary medical services to
23 an animal patient under the supervision determined by the
24 supervising veterinarian.

25 2. A supervising veterinarian shall decide the specific
26 tasks delegated to a veterinary student and provide the
27 required supervision pursuant to section 169.32 and the rules
28 adopted by the board.

29 Sec. 19. NEW SECTION. **169.40 Graduate from foreign college**
30 **of veterinary medicine — scope of authority.**

31 1. A graduate from a foreign college of veterinary medicine
32 shall only perform tasks associated with providing authorized
33 veterinary medical services to an animal patient under the
34 supervision determined by the supervising veterinarian.

35 2. A supervising veterinarian shall decide the specific

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1 tasks delegated to a graduate from a foreign college of
2 veterinary medicine who is not a licensed veterinarian or
3 temporary permit holder and provide the required supervision
4 pursuant to section 169.32 and the rules adopted by the board.

5 Sec. 20. Section 714.8, Code 2023, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 22. Practicing veterinary medicine without
8 a valid license or temporary permit issued by the board of
9 veterinary medicine pursuant to chapter 169, as described in
10 section 169.19.

11 Sec. 21. REPEAL. Section 169.20, Code 2023, is repealed.

12 Sec. 22. CODE EDITOR DIRECTIVES. The Code editor shall do
13 all of the following:

14 1. Create a new subchapter in chapter 169 that includes
15 sections 169.1 through 169.30.

16 2. Create a new subchapter in chapter 169 that includes
17 sections 169.31 through 169.40, as enacted in this Act.

18 3. Correct internal references in the Code and in any
19 enacted legislation as necessary due to the enactment of this
20 Act.

21 Sec. 23. ADMINISTRATIVE RULES. The board of veterinary
22 medicine shall submit a notice of intended action to the
23 administrative rules coordinator and the Iowa administrative
24 code editor pursuant to section 17A.4, subsection 1, paragraph
25 "a", not later than January 1, 2024, for the adoption of rules
26 required to implement this Act.

27 Sec. 24. EFFECTIVE DATE.

28 1. Except as provided in subsection 2, this Act takes effect
29 July 1, 2024.

30 2. The section of this Act requiring the board of veterinary
31 medicine to submit a notice of intended action for the adoption
32 of rules, being deemed of immediate importance, takes effect
33 upon enactment.>

34 2. Title page, by striking lines 1 through 4 and inserting
35 <An Act providing for veterinary medicine, including the care

1 of animals under the supervision of a licensed veterinarian,
2 providing penalties, and including effective date provisions.>

DAN ZUMBACH